

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JULES OUEMBE,

Plaintiff,

v.

NEWREZ, LLC d/b/a SHELLPOINT
MORTGAGE SERVICING and
AMERICAN STRATEGIC
INSURANCE CORP.,

Defendants

CIVIL ACTION FILE
NO.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant ASI Home Insurance Corp¹ (“ASI”), with the knowledge and consent of all defendants, removes the above-captioned lawsuit from the State Court of Gwinnett County, Georgia, Civil Action No. 23-C-00158-S4, in which it is currently pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for removal of this case, ASI states as follows:

¹ The entity named as a defendant in this lawsuit, American Strategic Insurance Corp., is not the correct name for the insurance company at issue in Plaintiff’s allegations.

1. On January 10, 2023 Plaintiff Jules Ouembe (“Ouembe”) filed the above-captioned lawsuit against NewRez, LLC d/b/a Shellpoint Mortgage Servicing (“Shellpoint”) and American Strategic Insurance Corp. in the State Court of Gwinnett County, Georgia.

2. On January 26, 2023, ASI was served with a copy of the Complaint. Service upon ASI was the first time ASI was made aware of this lawsuit.

3. This Notice of Removal is filed in a timely and proper manner pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days of January 26, 2023, the date that ASI was served with the Complaint.²

4. This lawsuit is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 and which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. This is a civil action in which the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is an action between citizens of different states.

5. All pleadings in the Gwinnett County State Court action are attached hereto as **Exhibit “A”**.

² This Notice of Removal is also filed within thirty (30) days of the date that Ouembe served Shellpoint with the Complaint, January 24, 2023.

6. Ouembe alleges that she is and was at the time of the filing of this action a resident of the State of Georgia. (*See* Ex. A, Compl. ¶ 1.)

7. Shellpoint is a limited liability company organized and existing under the laws of the State of Delaware. For diversity jurisdiction purposes, “a limited liability company is considered to be a citizen of every state and country of which its members are citizens.” *Hedge Capital Invs. Ltd. v. Sustainable Growth Grp. Holdings LLC*, 593 F. App’x 937, 940 (11th Cir. 2014). Shellpoint’s sole member is Shellpoint Partners LLC. Shellpoint Partners LLC’s members are NRM Acquisition LLC and NRM Acquisition LLC II. The sole member of these LLCs is New Residential Mortgage LLC. New Residential Mortgage LLC’s sole member is New Residential Investment Corporation. Because New Residential Investment Corporation is organized under the laws of the State of Delaware and has its principal place of business in New York, New York, it is a citizen of both Delaware and New York. *See* 28 U.S.C. § 1332(c)(1). Accordingly, Shellpoint is a citizen of Delaware and New York for the purposes of diversity jurisdiction.

8. ASI is and was at the time of the filing of this action a corporation incorporated under the laws of the State of Florida with its principal place of business in Florida.

9. Accordingly, there is complete diversity of citizenship between Ouembe as the plaintiff and Shellpoint and ASI and the defendants.

10. In the instant litigation, Ouembe seeks damages from Shellpoint and ASI stemming from Shellpoint's alleged failure to remit payment to ASI for Ouembe's homeowners insurance. (*Id.* at ¶¶ 12-17.)

11. Ouembe alleges that Shellpoint's alleged failure to remit payment to ASI resulted in ASI denying coverage for a November 12, 2022 fire loss (the "Fire") that "substantially damaged" the residential home located at 2658 Bateleur Court, Grayson, Gwinnett County, Georgia 30017 (the "Property"). (*Id.* at ¶¶ 5, 9.)

12. Ouembe does not allege her damages from the Fire, but the Gwinnett County Tax Assessor appraised the value of the residential home on the Property as \$336,000 in 2022. Further, Ouembe requested homeowners insurance from ASI with limits of \$367,000 for dwelling coverage and \$110,100 for personal property.

13. Ouembe asserts a breach of contract claim against ASI and Shellpoint relating to insurance coverage for the Fire. (*Id.* at ¶¶ 12-17.)

14. Thus, in light of Ouembe's breach of contract claim based on the "substantial[] damage[]" allegedly caused by the Fire, the appraised value of the Property at the time of the Fire, and the amount of homeowners insurance coverage

Ouembe requested from ASI, the amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs.

15. A copy of this Notice of Removal is being filed with the State Court of Gwinnett County and has been served upon Ouembe.

16. The United States District Court for the Northern District of Georgia, Atlanta Division, is the federal judicial district encompassing the State Court of Gwinnett County, Georgia, where Ouembe originally filed this suit such that this is the proper federal district for removal of this case to federal court under 28 U.S.C. § 1441(a) and § 90(a)(2).

17. ASI does not waive any jurisdictional or other defenses that might be available.

18. ASI reserves the right to amend or supplement this Notice of Removal.

19. Pursuant to 28 U.S.C. § 1446(b)(2), Shellpoint consents to this lawsuit's removal from the State Court of Gwinnett County, Georgia, to this Court. (*See Ex. B, Consent to Removal.*)

WHEREFORE, ASI removes this action from the State Court of Gwinnett County to this Court.

Respectfully submitted this 23rd day of February, 2023.

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